



Dan Skopec  
Acting Secretary

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor

Certified Mail: 70000600002711549154

May 8, 2006

Chief Pat A. Dennen  
San Bernardino County Fire Department  
157 West 5th Street, Second Floor  
San Bernardino, CA 92415-0450

Chief Pat A. Dennen:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and the Department of Toxic Substances Control conducted a program evaluation of San Bernardino County Fire Department Certified Unified Program Agency (CUPA) on November 8<sup>th</sup> and 9<sup>th</sup>, 2005. The evaluation consisted of a review of program elements, an in-office program review and field inspections. Following the evaluation, the state evaluators completed an Evaluation Summary of Findings, which was reviewed with your agency's program management.

The evaluation summary of findings includes identified deficiencies, corrective action to be taken and timeframes for correction of identified deficiencies. Two additional evaluation documents completed during the evaluation are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

I have reviewed the enclosed copy of the Summary of Findings and I find that San Bernardino County Fire Department's program performance is satisfactory with some improvement needed. To update our files on your progress toward correcting the identified deficiencies, please provide a status report, using the attached format, within 30 days from receipt of this letter.

Cal/EPA also noted during this evaluation that the San Bernardino County Fire Department CUPA has worked to bring about a number of program innovations. One such program innovation is the reorganization of the San Bernardino County CUPA organization structure that has significantly improved their ability to meet the Unified Program implementation mandates. The reorganization addresses implementation of the Unified Program in the largest geographical jurisdiction in California, where staff are routinely required to travel great distances to perform program activities. The reorganization has helped the CUPA become more effective, efficient, and consistent in their implementation.

Chief Pat A. Dennen  
May 8, 2006  
Page 2

An additional example of outstanding program implementation is the San Bernardino County Fire Department's development and implementation of an excellent Field Services Training Program for their inspection staff. The program is very extensive and well documented in a Training Manual and an Annual Training Plan. We will be sharing the outstanding program implementation examples and program innovations with the larger CUPA community through the Cal/EPA Unified Program website to help foster sharing of such ideas statewide.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosures

cc: Mr. Doug Snyder  
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Chief Pat A. Dennen  
May 8, 2006  
Page 3

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# STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



Dan Skopec  
Acting Secretary

## **CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS**

Arnold  
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**CUPA: San Bernardino County Fire Department**

**Evaluation Date: November 8<sup>th</sup> and 9<sup>th</sup>, 2005**

### **EVALUATION TEAM**

**Cal/EPA: John Paine**  
**DTSC: Mark Pear**  
**OES: Fred Mehr**

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to John Paine at (916) 327-5092.

<u>Deficiency</u>					<u>Preliminary Corrective Action &amp; Timeframe</u>
1	The CUPA is not meeting the inspection frequencies for the Business Plan, CalARP, UST and Hazardous Waste Generator Programs. A review of the last three fiscal year Inspection Summary Reports indicates the percentage of regulated businesses that were inspected, as follows:				By January 30, 2006, the CUPA will develop, submit to Cal/EPA, and implement an action plan that ensures that all regulated businesses in each program are inspected according to the mandated frequencies.
		<u>FY 02/03</u>	<u>FY 03/04</u>	<u>FY 04/05</u>	
	HMBP	20%	31%	25%	
	CalARP	11%	9%	9%	
	UST	100+%	75%	79%	
	HWG	16%	18%	21%	
	During FY 04/05 the CUPA experienced significant and frequent shifts in personnel, assignments, and duties due to turnover, reorganization, and special projects. Ensuring that high priority facilities are inspected and minimize the impact of staffing shortfalls, the CUPA initiated some innovative solutions, such as, expanding scope of inspections to cover all program elements and eliminating non-essential functions and processes. Emphasis was placed on development and implementation of a quality-				

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

	<p>training program for all staff. For the CalARP Program, they focused on full implementation and addressing the state-only facilities. This was accomplished by closely coordinating with regulated businesses and requesting RMP submittals, and initiation of the RMP review process. For FY 06-07, the CUPA plans to elevate their CalARP activities to verify compliance through facility inspections.</p> <p>A review of data from the 1<sup>st</sup> quarter of the report for the current fiscal year (05'-06') denotes marked improvement in achieving the mandated inspection frequencies. During this period CUPA inspection staff have conducted the following number of inspections: 127 UST, 316 hazmat handlers, 85 CalARP facilities, and 157 Hazwaste generators.</p>	
2	<p>The CUPA is not fully regulating the agricultural handlers (farms) who are subject to the Business Plan Program. The records of agricultural handlers revealed that inventory forms and inspection documentation did not exist, based on the OES Evaluator's review of the files/records of several known agricultural facilities.</p>	<p>By January 30, 2006, the CUPA will develop, submit to Cal/EPA, and implement an action plan to ensure that all agricultural handlers are regulated, including annual submission of inventory information and performance of compliance inspections.</p>
3	<p>The CUPA has not consistently published an initial public notice to initiate the process for government and public review of Risk Management Plans. The CUPA published initial notices for all Fed. RMPs but not for all the Ca. only RMPs.</p>	<p>For each RMP submitted, the CUPA will publish all initial public notices in a local newspaper of general circulation stating that an RMP has been submitted and the AA has initiated the process for government and public review.</p>

**CUPA Representative** \_\_\_\_\_

(Print Name)

(Signature)

**Evaluation Team Leader** \_\_\_\_\_

(Print Name)

(Signature)

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

1. **Observation:** The CUPA's Single Fee Summary Report 2 only provides information for the state surcharge. The reports do not include any information concerning the CUPAs single fees. No data is provided for the amount of their single fee assessed, waived, or collected by the CUPA during the reporting year.

**Recommendation:** For the CUPA's single fee system, provide the amount of the single fee they assessed, waived, and collected during the reporting year.

2. **Observation:** There is a difference of approximately 1371 facilities between what the CUPA has reported in the FY 04/05 Inspection Summary Report (4236 facilities) and the total number of businesses manifesting off hazardous waste with active EPA ID numbers listed in the Department's Hazardous Waste Tracking System, which is 5607 facilities.

**Recommendation:** Review and compare the numbers of facilities from the sources cited above to reconcile the discrepancy.

3. **Observation:** The CUPA's inspection reports do not identify the violation class (Class I, Class II, or minor).

**Recommendation:** The CUPA may wish to modify its inspection report to segregate these elements in order to distinguish between enforcement modes for Class I, Class II and minor violations. Or the minor violations maybe provided in a Notice to Comply.

4. **Observation:** The CUPA's inspection reports, such as those reviewed for MK Magnetics, GE, Shield Packaging of California, and Printing and Promotions Plus, describe in detail the facility processes occurring on site and how hazardous waste is treated and stored with supporting photographs provided. The narratives of the reports are developed leaving the reader a clear understanding and visualization of the facility operations.

**Recommendation:** None provided – keep up the good work.

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. Enforcement of non-compliance is a high priority for the CUPA. An Enforcement Liaison is dedicated to Unified Program enforcement. The Liaison coordinates all actions and maintains detailed summary documentation for each action. This summary document provides an overview of the cases by listing critical information, including a chronology of events from the initiation of the case through settlement and final disposition. The Liaison works closely with inspection staff to prepare potential cases and with the District Attorney's Office to identify appropriate enforcement actions and process enforcement actions. Monthly meetings between DA and CUPA are held to discuss pending cases, potential actions, and other related enforcement related actions. The following are examples of their enforcement actions completed during last fiscal year:
  - Criminal referral to DA illegal disposal of hazardous waste and knowingly depositing hazardous substances. The business had discharged antifreeze and cleaners into the underground storm drain system and the city storm gutter was filled absorbent from a paint discharge. A stipulated judgment for \$16,092 was reached.
  - Civil enforcement action taken by DA against a manufacturer of rubber o-rings for the unlawful disposal and/or abandonment of hazardous waste, transportation of hazardous waste without registration, hazardous waste hauled by an unregistered transporter, unlawful transportation of hazardous waste to an unauthorized location, failure to establish a contingency plan, failure to submit a business plan, unauthorized treatment of a hazardous waste, failure to operate facility to prevent a release or fire, failure to maintain complete and available training documentation, failure to properly label hazardous waste containers, and failure to enter the accumulation start date on hazardous waste labels. A \$48,684 penalty was assessed.
  - Civil enforcement action taken by DA against a facility for failure to report a hazardous material release (a leaking transformer containing PCBs). The action also included a charge that they were engaged in unlawful business practice. The case was settled for \$325,604. A portion, \$50,000 of the penalty was directed to be made payable to CHMIA, CUPA Forum Board, and Western States Project for SEPS
  - Administrative Enforcement order was taken by the CUPA against a facility who released 2,000 gallons of Sulfuric Acid at water treatment plant. Violations include failure to obtain a hazardous waste generator and hazardous materials handler permits, failure to obtain an EPA ID number, failure to establish a contingency plan, failure to establish a business plan, and for the facility not operated/maintained to prevent release. The final disposition included a \$69,935 penalty.
  - Civil enforcement action against a facility that removed 2 –10,000 gallon UST for failure to submit work plan for site investigation, failure to take corrective action, and failure to demonstrate that site has been investigation for contamination. A \$22,500 stipulated judgment was assessed.

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

Examples of enforcement cases that are currently pending:

- Criminal action against a facility for unlawful disposal and/or abandonment of hazardous waste. Penalties to be assessed total \$128,377.
  - Civil action against facility handling large amounts of pyrotechnics. The violations include failure to submit and establish a business plan, as well as, unfair business practice. Penalties to be assessed total \$50,748.
  - Criminal action against a recalcitrant facility with several violations that remain uncorrected. Penalties to be assessed total \$381,166.
2. The CUPA management and staff are, and have been, key participants and leaders in the continuous improvement and implementation of the Unified Program throughout California. They are members of several statewide groups and committees, striving to ensure implementation of the Unified Program throughout the state. CUPA personnel are either leaders or key members of the following organizations:
- Hazardous Waste Technical Advisory Group
  - UST Technical Advisory Group
  - AEO Technical Advisory Group
  - Unified Program Administrative and Advisory Group
  - Emergency Response Technical Advisory Group
  - Data Steering Committee
  - Enforcement Steering Committee
  - Unified Program Training Committee
  - CUPA Conference Committee
  - Local Emergency Planning Committee and Subcommittees
  - P2 Committees
  - WIF Workgroup
  - Inspection Report Writing Workgroup
  - Evaluation Workgroup
  - Corrective Action Workgroup
  - Enforcement Workgroup
  - UNIDOCs Geotracker Workgroup
  - Violation Classification Workgroup
  - CUPA Regional Forum
  - CUPA Forum Board
  - Enforcement Strike Force
3. The CUPA has developed and is implementing an excellent Field Services Training Program for inspection staff. The program is very extensive and well documented in a Training Manual and a annual training Plan. The CUPA training program places emphasis on quality with thorough and comprehensive training for new and existing field staff. New inspectors complete a six-month training process before assignment to a district. During the last two months, new staff is assigned to a Senior Inspector's district to inspect small less complicated facilities before they are assigned to their own district. The Training



Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

Manual includes descriptions of all CUPA positions, new employee orientation/training, a staff training matrix, an overall training plan, staff priorities, a list of staff districts, and training records for all CUPA staff. The training matrix is a comprehensive list of all required training that includes detailed information for each course, such as, the number of class hours, the required frequency, the job classifications or positions required to take training, whether the training mandated by the CUPA and/or state law, and general information and comments. The CUPA utilizes any and all opportunities to acquire necessary training. Many of the training courses have been developed by the CUPA and delivered “in-house” by senior staff. The annual training plan identifies specific training to be taken by new staff, staff instructors, emergency responders, enforcement staff, and UST inspectors. The CUPA has trained and implemented the “every man a multi-program inspector”. All inspectors are capable of conducting one inspection that covers multiple program elements.

4. The CUPA’s data management efforts and reporting to the state are outstanding. The CUPA uses Envision to maintain the data. Supervisors routinely generate reports and system queries, perform manual calculations, and review data to ensure its quality and accuracy. As a result, the information provided on their annual Summary Reports closely reflects their actual activities. Information submitted to the state is timely and always complete. The CUPA includes detailed notes for each summary report to further clarify or describe the data being provided. The CUPA’s Self-Audit Report is very comprehensive. The report addresses all essential performance elements and includes sufficient detail necessary to describe their performance. The accomplishments and action plan for each Unified Program element is also included in the Self-Audit Reports, describing the key events/activities and future activities necessary for continuous improvement. To accurately and completely depict their performance, the CUPA includes supplemental information as part of the Self-Audit Report. This supplemental information includes the following information that had some impact (either negative or positive) on the implementation of the Unified Program in San Bernardino County:

- Organizational and resource allocation changes;
- Redirection of CUPA staff for Non Unified Program assignments/activities;
- Special projects/activities that enhanced implementation;
- External coordination activities;
- Staffing enumerations; and,
- Additional or general comments.

The Self-Audit Report includes an Action Plan for the next fiscal year, which is used to guide the activities of the CUPA to correct any identified deficiency and to ensure continuous improvement in their implementation of the Unified Program.

5. The San Bernardino County CUPA is clearly one of the elite CUPA organizations in the State. The CUPA is very effective, efficient, and consistent in their implementation of the Unified Program in the biggest jurisdiction in the state, which includes regulated businesses in the larger cities that are significant distances from one another. The recent changes to the San Bernardino County CUPA organization structure have significantly

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

improved their ability to meet the Unified Program implementation mandates. The reorganization was an innovative approach and starting point in addresses implementation of the Unified Program in the biggest jurisdiction in California that requires staff to travel great distances to perform routine activities, such as compliance inspections. Outstanding leadership, oversight and direction is provided by the CUPA Manager, Doug Snyder, and the field supervisors, Marilyn Kraft and Susan Williams, who have demonstrated excellent management skills and abilities in the few months they have held the positions. The field services supervisors have developed and are implementing outstanding tools essential for managing field staff and for monitoring program activities. Through their efforts, critical day-to-day and future planning decisions are based on sound analysis of program data, which has led to continuous improvement of their Unified Program and consistent and professional performance of all 12-district inspectors. For example, they have developed a Performance Matrix Manual that includes field service staff responsibilities, organizational priorities, annual summary report data, and time allocation pie charts and bar graphs for the past fiscal year and the current fiscal year. Furthermore, the CUPA organization has been filled with very intelligent, well education, and fully trained individuals. The CUPA has also implemented a performance evaluation process where all new employees are evaluated twice before assignment to a district (three and six months after hire), ensuring that they are ready to perform their inspection duties. Performance of existing staff is also evaluated annually. Planning is another function taken seriously by the CUPA. Annually, based on input from field inspection staff the CUPA identifies three performance objectives for the upcoming fiscal year. The objectives identified for FY 05/06 are:

- Increase demonstrated return to compliance to 65% within 90 days
    - i. Evaluate quarterly reports of outstanding violations
    - ii. Ensure all return to compliance data is entered
    - iii. Make telephone reminders
    - iv. Perform limited number of re-inspections
  - Perform the target number of high priority facility inspections each quarter (37)
    - i. Evaluate inspection performance quarterly
    - ii. Perform CalARP inspections
    - iii. Coding RCRA LQG inspections
    - iv. Perform Tiered Permitting inspections
  - Implement an outreach program to increase education for facilities, making our job more efficient and productive
    - i. Research existing documents at other CUPAs
    - ii. Explore mailing options available
    - iii. Explore web site options
    - iv. Produce dateless newsletter for distribution in field
    - v. Produce industry or process specific compliance guidance documents
6. The CUPA has excellent relationships with other agencies through various coordination and consultation activities. The CUPA is working with San Bernardino County fire agencies, meeting the fire agencies needs that are identified in discussions on business plan

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

inventories, then forwarding copies of the business plan inventories and any updates to the appropriate fire agencies and chemical databases to Interagency Hazardous Materials Response Team members. The San Bernardino County CUPA holds quarterly meetings with the other CUPA in San Bernardino County to exchange information and coordinate efforts to maintain consistency and uniformity within the County. The San Bernardino County CUPA inspectors meet with their local fire agencies to discuss individual projects, new facilities, code enforcement issues, data needs, and other cooperative projects. The CUPA is working with the land use planning agencies to review new business plans and exemptions before a Certification of Occupancy is granted.

7. The CUPA has requested of all remaining California only RMPs for stationary sources. The CUPA has verified, eliminated or reduced regulated substances in response to the RMP requirements. The CUPA has done extensive work in improving the CalARP inspection program.
  
8. The CUPA has developed an informative website addressing public notice, plan reviews, household hazardous waste, fire arson, fire & life safety, hazardous materials\waste, and emergency response. The web site also provides an excellent environmental resource dictionary for the public's use. The website has also limited the number of direct mailings necessary to distribute information. A simple referral to the website is all that is necessary.